

Court of Appeals, Division One
Civil Appeal

1 CA-CV 14-0677

CAVE CREEK USD et al. v. DEWIT et al.

Appellate Case Information

Case Filed: 17-Oct-2014
Case Closed:

Dept/Composition

Side 1. CAVE CREEK UNIFIED SCHOOL DISTRICT; CASA GRANDE ELEMENTARY SCHOOL DISTRICT; CRANE ELEMENTARY SCHOOL DISTRICT; PALOMINAS ELEMENTARY SCHOOL DISTRICT; YUMA UNION HIGH SCHOOL DISTRICT; ARIZONA EDUCATION ASSOCIATION; ARIZONA SCHOOL BOARDS ASSOCIATION; SCOTT HOLCOMB; FRANK HUNTER; and NANCY PUTNAM, Plaintiff/Appellant

(Litigant Group) CAVE CREEK USC et al.

- Cave Creek Unified School District, Plaintiff/Appellee
- Casa Grande Elementary School District, Plaintiff/Appellee
- Crane Elementary School District, Plaintiff/Appellee
- Palominas Elementary School District, Plaintiff/Appellee
- Yuma Union High School District, Plaintiff/Appellee
- Arizona School Boards Association, Plaintiff/Appellee
- Scott Holcomb, Plaintiff/Appellee
- Frank Hunter, Plaintiff/Appellee
- Nancy Putman, Plaintiff/Appellee

Co-Counsel for: Plaintiffs/Appellees

Donald M Peters, Esq. (AZ Bar No. 5929)
Timothy M Hogan, Esq. (AZ Bar No. 4567)

Side 2. JEFF DEWIT, in his capacity as State Treasurer; and STATE OF ARIZONA, Defendant/Appellee

(Litigant Group) JEFF DEWIT

- State of Arizona, Defendant/Appellant
- Jeff DeWit, Defendant/Appellant

Attorneys for: Defendants/Appellants

Kevin D Ray, Esq. (AZ Bar No. 7485)
David D Weinzwieg, Esq. (AZ Bar No. 18687)

Side 3. DAVID M. GOWAN, Speaker of the Arizona House of Representatives; and ANDY BIGGS, President of the Arizona State Senate, Intervenor/Appellant

(Litigant Group) DAVID M. GOWAN/ANDY BIGGS

- Andy Biggs
- David Gowan

Attorneys for: Intervenor/Appellants

William A Richards, Esq. (AZ Bar No. 13381)
Alan S Baskin, Esq. (AZ Bar No. 13155)
Nicole C Davis, Esq. (AZ Bar No. 20138)
David E Wood, Esq. (AZ Bar No. 21403)
Peter A Gentala, Esq. (AZ Bar No. 21789)
Lesli M H Sorensen, Esq. (AZ Bar No. 25770)
Gregrey G Jernigan, Esq. (AZ Bar No. 3216)

CASE STATUS

Nov 12, 2015....Stayed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2010-017113	Non-Classified Civil		Katherine M Cooper, Authoring Judge of Order		

OPEN DUE DATE

Court Ordered Document due

Due By:

Friday, January 6, 2017

Joint Status Report

*Re: ORDERED: Continuing the stay of the appeal until further order. FURTHER ORDERED: Directing parties to file a joint status report on/before 1/6/17 if a stipulation to dismiss is not filed prior to that date. Melina Brill
ProTem Judge - Author*

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4 PENDING MATTERS

General Motion

Unopposed Motion to Extend Time to File Appellants' Opening Brief and to EXTEND WORD COUNT (Appellant)

Filed: 22-Sep-2015

Scheduled: 16-Oct-2015

General Motion

Motion for Procedural Order: Notice of Appellants Re: Unopposed Motion to Extend Time to File Appellants' Opening Brief and to EXTEND WORD COUNT and Motion for Alternative Order Providing for Scheduling Conference(Intervenor)

Filed: 8-Oct-2015

Motion for Extension of Time

** Motion for Procedural Order: Notice of Appellants Re: UNOPPOSED MOTION TO EXTEND TIME TO FILE APPELLANTS' OPENING BRIEF and to Extend Word Count and Motion for Alternative Order Providing for Scheduling Conference(Intervenor)*

Filed: 8-Oct-2015

Div 1 General Motion

Motion for Procedural Order: Notice of Appellants Re: Unopposed Motion to Extend Time to File Appellants' Opening Brief and to Extend Word Count and MOTION FOR ALTERNATIVE ORDER PROVIDING FOR SCHEDULING CONFERENCE(Intervenor)

Filed: 8-Oct-2015

Scheduled: 30-Oct-2015

40 PROCEEDING ENTRIES

1. 17-Oct-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 09/10/14
Bond filed in Superior Court: No
Docketing Statement filed in Superior Court: 9/24/14
2. 17-Oct-2014 FILED: e-Record on Appeal:
Instruments/Minute Entries
3. 5-Nov-2014 FILED: Notice to Counsel re: No Appellants Fee/Appellees' Fee/Brief Due
4. 10-Nov-2014 RECEIPT No.: 2014-01390 ; \$140.00, Check Number: 1115, Applied to: CAVE CREEK USC et al. - Class B Filing Fee (\$140.00)
Paid for: Peters Cannata & Moody PLC - By Peters Cannata & Moody PLC
5. 5-Dec-2014 FILED: The State's Request for Order Confirming Automatic Stay; And Alternative, Motion for Stay; Certificate of Service
(IntervenorAppellants)
6. 5-Dec-2014 FILED: Exhibits 1- 4; Certificate of Service (Intervenor)
7. 11-Dec-2014 FILED: Motion for Procedural Order for Extension of Time to File Opening Brief; Certificate of Service; Affidavit Supporting Motion
for Procedural Order for Extension of Time to File Opening Brief (Appellant)
8. 15-Dec-2014 ORDERED: Motion for Procedural Order for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date
EXTENDED from Monday, 12-15-2014 to Wednesday, 01-14-2015. Melina Brill ProTem Judge - Author
9. 18-Dec-2014 FILED: Plaintiffs-Appellees' Response to the State's Request for Order Confirming Automatic Stay and Alternative Motion to Stay;
Certificate of Service (Appellee)
10. 31-Dec-2014 FILED: The State's Reply in Support of The State's Request for Order Confirming Automatic Stay; and Alternative, Motion for
Stay; Certificate of Service (Intervenor)
11. 31-Dec-2014 FILED: Exhibit A; Certificate of Service (Intervenor)
12. 9-Jan-2015 FILED: Stipulated Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service (Intervenor)
13. 12-Jan-2015 ORDERED: Stipulated Motion for Procedural Order Extending Time to File Opening Brief (Intervenor) = GRANTED. Due date
EXTENDED from Wednesday, 01-14-2015 to Wednesday, 01-28-2015. Melina Brill ProTem Judge - Author
14. 20-Jan-2015 FILED: Minute Entry filed on 1/16/15 w/ Maricopa Superior Court re: status conference to discuss settlement conference
15. 26-Jan-2015 ORDERED: Judges Peter B Swann, John C Gemmill and Kenton D Jones will serve as co-mediators. FURTHER ORDERED:
Staying, pending further order of this court, appeal and all proceedings in this appeal, including but not limited to opening brief
and any proceeding in connection w/ Appellant State of Arizona's pending "Request for Order Confirming Automatic Stay; and
alternative, Motion to Stay." Hon Diane M Johnsen - Author
16. 24-Jun-2015 ORDERED: (Based on agreement of parties) Co-mediators may engage in ex-parte communications in furtherance of mediation
w/ such non-parties to this case as the parties may agree, proved that non-parties acknowledge in writing their consent to be
bound by confidentiality provisions of 1/26/15 order. Hon Diane M Johnsen - Author

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17. 25-Aug-2015 ORDERED: (Court has been advised by mediators that parties have reached an impasse at this juncture) Previously entered stay of proceedings is lifted. FURTHER ORDERED: Settlement communications between all parties participating in mediation, their attorneys, and mediators remain confidential under ARS Section 12-2238. FURTHER ORDERED: Any party wishes to resume participation in settlement program, it may make such request of court. Hon Michael J Brown - Author
18. 25-Aug-2015 ORDERED: (Pursuant to this Court's order of 8/25/15 lifting stay) opening brief shall be filed on/before 9-25-2015. FURTHER ORDERED: Court will issue a ruling on pending Request for Order Confirming Automatic Stay and alternative, Motion for Stay in due course. Melina Brill ProTem Judge - Author
19. 4-Sep-2015 FILED: Notice of Change of Counsel; Certificate of Service (Appellant State of AZ)
20. 22-Sep-2015 FILED: Unopposed Motion to Extend Time to File Appellants' Opening Brief and to Extend Word Count; Certificate of Service (Appellant)
21. 24-Sep-2015 ORDERED: granting motion in part and vacating 9/25/15 due date for opening brief. Order ruling on pending request to exceed word count will set a due date for filing opening brief. Melina Brill ProTem Judge - Author
22. 5-Oct-2015 ORDERED: The State's Request for Order Confirming Automatic Stay; And Alternative, Motion for Stay; (Intervenors/Appellants) = DENIED. FURTHER ORDERED: Staying the judgment entered August 20, 2014 pending a decision on appeal. Hon Maurice Portley - Author
23. 8-Oct-2015 FILED: Motion for Procedural Order: Notice of Appellants Re: Unopposed Motion to Extend Time to File Appellants' Opening Brief and to Extend Word Count and Motion for Alternative Order Providing for Scheduling Conference; Certificate of Service (Appellants Gowan/Biggs)
24. 12-Oct-2015 FILED: Stipulated Motion for Procedural Order Suspending Date for Filing Opening Brief and Directive to Notice Court of Impasse in Settlement Discussions; Certificate of Service (Appellants Gowan/Biggs)
25. 9-Nov-2015 FILED: Stipulated Motion for Procedural Order Staying Proceedings Pending Dismissal with Prejudice of All Claims; Certificate of Service (Appellants Gowan/Biggs)
26. 12-Nov-2015 ORDERED: Stipulated Motion for Procedural Order Staying Proceedings Pending Dismissal with Prejudice of All Claims = GRANTED. FURTHER ORDERED: Staying appeal unless and until one or more parties advises court that judicial involvement is necessary to achieve final resolution of appeal. FURTHER ORDERED: If court has not received a stipulation to dismiss appeal by 6/30/16, parties shall file a joint status report advising court of their intentions relating to pursuit of appeal. FURTHER ORDERED: previously filed Stipulated Motion for Procedural Order Suspending Date for Filing Opening Brief and Directive to Notice Court of Impasse in Settlement Discussions = DENIED as moot. Hon Michael J Brown - Author
27. 11-May-2016 FILED: Stipulation for Entry of Final Opinion and Mandate; Certificate of Service (Intervenor)
28. 11-May-2016 FILED: Exhibit A; Certificate of Service (Intervenor)
29. 11-May-2016 FILED: Exhibit B; Certificate of Service (Intervenor)
30. 11-May-2016 FILED: Exhibit C; Certificate of Service (Intervenor)
31. 27-May-2016 ORDERED: Stipulation for Entry of Final Opinion and Mandate (Intervenor) = DENIED. FURTHER ORDERED: Continuing stay and revesting jurisdiction to superior court to consider motion to vacate underlying judgment and other findings and rulings. FURTHER ORDERED: Notice with ruling due fifteen days after ruling from superior court. FURTHER ORDERED: Stipulation to dismiss or joint status report due 09/16/2016. Hon Lawrence F Winthrop - Author
32. 14-Sep-2016 FILED: Joint Status Report; Certificate of Service (Appellant)
33. 15-Sep-2016 ORDERED: continuing stay of the appeal until further order. FURTHER ORDERED: directing parties to file a joint status report on/before 10/17/2016, if a stipulation to dismiss appeal is not filed prior to that date. Melina Brill ProTem Judge - Author
34. 14-Oct-2016 FILED: Second Joint Status Report; Certificate of Service (Appellant)
35. 17-Oct-2016 ORDERED: continuing stay of appeal until further order. FURTHER ORDERED: directing parties to file a joint status report on/before 11/16/2016, if a stipulation to dismiss appeal is not filed prior to that date. Melina Brill ProTem Judge - Author
36. 24-Oct-2016 FILED: Returned US Mail, Order re: Status Report/Continuing Stay, dated 10/17/2016, addressed to Peter A Gentala, Undeliverable - Addressee No Longer Here
37. 16-Nov-2016 FILED: Third Joint Status Report; Certificate of Service Regarding Third Joint Status Report (Intervenor)

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38. 17-Nov-2016 ORDERED: Continuing the stay of the appeal until further order. FURTHER ORDERED: Directing parties to file a joint status report on/before 1/6/17 if a stipulation to dismiss is not filed prior to that date. Melina Brill ProTem Judge - Author
39. 1-Dec-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
40. 1-Dec-2016 FILED: Additional Record on Appeal:
Exhibits: HD 10/27/2014 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 28 29 40 41 49 50 51 52 63 69 73 75 83 84 85 86 87 88 89 90 91 92 93 130 131 141 149 150 151 in Box 1 of 2;
HD 10/27/2014 - LIST # 152 153 196 197 201 202 206 207 208 209 212
214 228 237 238 239 240 241 252 270 271 272 273 274 in Box 2 of 2